

BILL NO. Z-87- 11-18

ZONING MAP ORDINANCE NO. Z- 31-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-14.

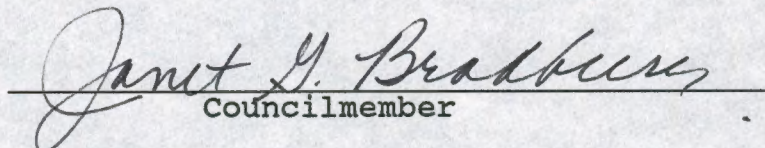
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a R-1 (Single Family Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

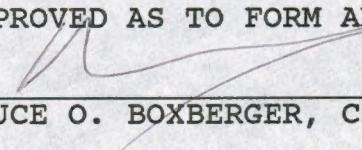
Lots 1 through 9 Moellerings Subdivision; Lots 3
through 14 E.E. Rudisills Addition; Lots 1, 2, 3, 5, 7,
9, 11, 13 and 15 through 18 H.J. Rudisills Subdivision;
Lots 5 through 24 Nussbaums Amended Addition; Lots 1
through 9 Herricks Addition.

and the symbols of the City of Fort Wayne Zoning Map No.
M-14, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Spy Run Neighborhood Association
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R2, R3 District to a/an R1 District the property described as follows:

Lots 1-9 Moellering's Subdivision; Lots 3-14 EE Rudisill's Addition;
Lots 1, 2, 3, 5, 7, 9, 11, 13, 15-18 H-J Rudisill's Subdivision; Lots
5-24 Nussbaum's Amd Addition; Lots 1-9 Herrick's Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 318, 322, 330, 338, 340, 342, 404, 410, 414, 420,
428, 432, 434, 444, 446, 448, 450, 460, 462, 466, 468 & 472 Elizabeth Street; 331, 332, 333, 336,
337, 338, 341, 342, 345, 402, 403, 406, 407, 408, 411, 412, 415, 416, 419, 420, 424, 425, 428, 429, 434,
(General Description for Planning Staff Use Only) 435, 440, 441, 444, 445, 450, 453, 457
Nussbaum; 443, 445, 447, 449 Ruth

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Tom Pearson</u>	<u>613 Wagner 46805</u>	<u>424-6110</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Nussbaum

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

Date Filed _____

Intended Use _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one percentum (51%) or more of the property described in this petition.

(Phone#)	(Name)	(Address)	(Signature)
422-9040	MARTIN LEASON	402 NUSSBAUM AVE	<i>Martin & Mary Leason</i>
422-9040	" "	404 NUSSBAUM AVE	<i>Martin & Mary Leason</i>
426-3111	PAMELA DIEDRICH	425 NUSSBAUM	<i>Pamela Diedrich</i>
422-4510	JUANITA BAILEY	450 NUSSBAUM AVE	<i>Juanita Bailey</i>
422-5821	David & Debra Al. Putnam	444 Nussbaum	<i>Debra Al. Putnam</i>
424-6894	Esther Prante	428 Nussbaum	<i>Esther Prante</i>
424-0100	Joyce Mc Minnis	424 Nussbaum	<i>Joyce Mc Minnis</i> ^{Still owns}
422-6004	Donald & Mary Scribner	338 Nussbaum Ave	<i>Debra Scribner</i>
422-6004	Donald & Mary Scribner	336 Nussbaum	<i>Mary Scribner</i>
422-6004	Donald & Mary Scribner	332 & 328 Nussbaum	<i>Mary Scribner</i>
422-8380	Walter & Betty Stinnett	337 Nussbaum	<i>Walter Stinnett</i>
422-1927	Dor & Dorothy Roe	341 Nussbaum	<i>Dorothy Roe</i>
424-8553	Viola Badertscher	411 NUSSBAUM AVE	<i>Viola Badertscher</i>
422-5130	Ethel Meyer	331 Nussbaum	<i>Ethel Meyer</i>
422-5130	Ethel Meyer	445-447 Nussbaum	<i>Ethel Meyer</i>
422-8380	Betty Stinnett	333 Nussbaum	<i>H. Betty Stinnett</i> ^{Recent Bought}
None	Harley Wright	403 Nussbaum	<i>Harley Wright</i>
26-7341	Kim Sprankles	342 Nussbaum	<i>Kim Sprankles</i>
26-2437	Junior C & I Houm	440 NUSSBAUM	
	Ed. T. H. C & I Houm	434 NUSSBAUM	
422-5187	Lari Lynne Jones	435 Nussbaum	<i>Lari Lynne Jones</i>

Nussbaum

PETITION FOR ZONING ORDINANCE AMENDMENT

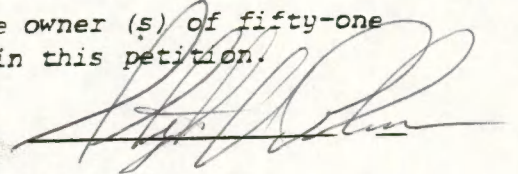
Receipt No. _____

Date Filed _____

Intended Use _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one percentum (51%) or more of the property described in this petition.

424-2295 STEPHEN A CLOUSE 341 NUSSBAUM



(Phone#)

(Name)

(Address)

(Signature)

City Plan Commission, City-County Building, Room 800, One Main Street
Fort Wayne, Indiana 46802 Telephone Number: 423-7571

Read the first time in full and on motion by Bradbury
seconded by Bradbury, and duly adopted, read the second
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M.

DATE: 11-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Delario, and duly adopted, placed on
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	<u>1</u>		
<u>BRADBURY</u>	<u>✓</u>				
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>			<u>✓</u>		
<u>GIAQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 12-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-31-87
on the 22nd day of December, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 23rd day of December, 1987
at the hour of 11:00 o'clock 4 .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of December
1987, at the hour of 1:30 o'clock P .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-11-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1987.

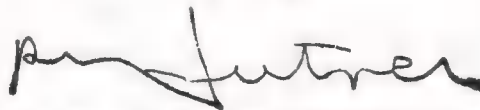
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1987.

Certified and signed this
1st day of December 1987.



Robert Hutner
Secretary

ORIGINAL

spy Run

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 318 through 472 Elizabeth Street;

331 through 457 Nussbaum Street; 443 through 449 Ruth Street

3-87-11-18

EFFECT OF PASSAGE Property is presently zoned R-2 Two Family Residential and
R-3 -Multi-Family Residential. Property will become R-1 - Single Family
Residential.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential and
R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-11-18

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R/2 & R/3 to R-1

DETAILS**Specific Location and/or Address**

331 thru 457 Nussbaum;
318 thru 472 Elizabeth Street;
443 thru 449 Ruth Street

Reason for Project

Downzoning

Discussion (Including relationship to other Council actions)16 November 1987 - Public Hearing

Tom Pearson, President of the Spy Run Neighborhood Association stated that this was the third and final section of the neighborhood that they are planning to rezone to R-1. He stated this is being done in an effort to preserve the residential housing and single family nature of the neighborhood. He stated that this area has 86% single family usage now with 14% duplex and no multi-family. He stated it is presently strongly single family residential in character. He stated that they had 81% of the property owners signing in favor of the zoning change.

Anita Pearson, Secretary of the Spy Run Neighborhood Association stated that of the 8 duplexes in the area only 3 of those property owners did not sign. She further stated that she could not find one of the three people who did not sign.

Mary Scribner, a resident of Nussbaam Avenue stated that she would appreciate it if the Commission would downzone the area.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Spy Run Neighborhood Assn
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 23 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 1 December 1987

Reviewed by

Dany Baito
Reference or Case Number

Date

December 10, 1987

BILL NO. Z-87-11-18

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of

Fort Wayne Zoning Map No. M-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd
CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry
THOMAS C. HENRY

Paul M. Burns
PAUL M. BURNS

Ben A. Eisbart
BEN A. EISBART

CONCURRED IN 12-22-87

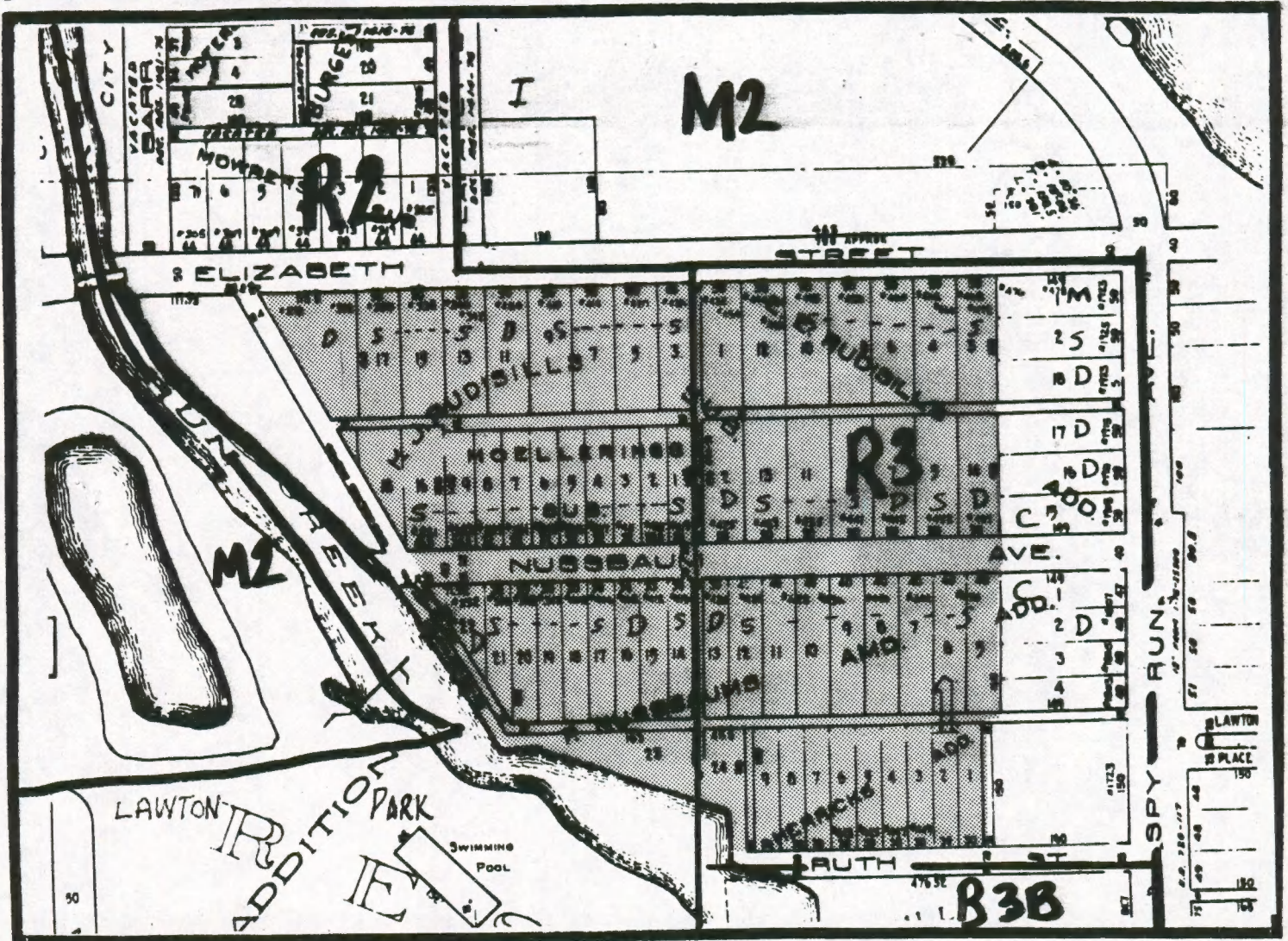
Sandra E. Kennedy
CITY CLERK

REZONING PETITION #317

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2/R3 DISTRICT TO AN R1 DISTRICT

MAP NO. M-14

COUNCILMANIC DISTRICT NO.3



ZONING:

LAND USE:

R2 RESIDENTIAL DISTRICT
M2 GENERAL INDUSTRY
B3B GENERAL BUSINESS 'B'

S SINGLE FAMILY
D DUPLEX
C COMMERCIAL
I INDUSTRIAL

SCALE: 1"=250'

DATE: 11-1-87

N
L.W.